

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ULTRAFLO CORPORATION,	§	
	§	
Plaintiff/Counter-Defendant	§	
	§	
V.	§	CIVIL ACTION NO. H- 09-0782
	§	
PELICAN TANK PARTS, INC. and	§	
THOMAS JOSEPH MUELLER	§	
	§	
Defendants/Counterclaimants	§	

OPPOSED MOTION TO DISMISS DEFENDANT PELICAN TANK PARTS, INC.

Plaintiff Ultraflo Corporation (“Ultraflo”) files this Opposed Motion to Dismiss Defendant Pelican Tank Parts, Inc. (“PTP”) and, in support thereof, would respectfully show the Court as follows:

Ultraflo sued Defendants PTP and Pelican Worldwide, Inc. After conducting discovery, Ultraflo determined PTP is not a proper party to this lawsuit and should, therefore, be dismissed. Ultraflo seeks only to proceed with its claims in this lawsuit against Pelican Worldwide, Inc. Ultraflo sought to dismiss PTP by stipulation, but PTP has not agreed to such stipulation. Because PTP is not a proper party to this lawsuit, Ultraflo requests this Court dismiss all claims and causes of action against PTP without prejudice.

PRAYER

For these reasons, Ultraflo respectfully requests this Court dismiss Ultraflo’s claims and causes of action against Defendant Pelican Tank Parts, Inc. without prejudice.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon the following attorney of record via electronic service on this the 19th day of December, 2013:

John K. Buche
BUCHE & ASSOCIATES, P.C.
2990 Richmond Avenue, Suite 400
Houston, Texas 77098
(713) 583-9644 fax

/s/ Gabe T. Vick
Gabe T. Vick

CERTIFICATE OF CONFERENCE

The undersigned counsel for Plaintiff Ultraflo Corporation hereby certifies that he has conferred with counsel for Defendant Pelican Tank Parts, Inc. regarding the foregoing Motion to Dismiss Defendant Pelican Tank Parts, Inc. and Pelican Tank Parts, Inc. is opposed to this motion.

/s/ Gabe T. Vick
Gabe T. Vick